

Keith Martin Mack, ProPer
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 Thousand Oaks, CA 91362-3320
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Bankruptcy Courtroom
 100 East Capitol Street, Room 106
 Jackson, Mississippi 39225
 Honorable Judge Edward Ellington

U.S. BANKRUPTCY COURT
 SOUTHERN DISTRICT OF MISSISSIPPI
 FILED

AUG 20 2009

DANNY L. MILLER, CLERK
 By _____ DEPUTY CLERK

Warehouse 86, LLC
 Attorneys For Council: Stephan W. Rosenblatt
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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

Warehouse86, LLC

Debtor

vs.

Keith Martin Mack

Creditor/Claimant

CASE: 08-03423-EE

CREDITOR KEITH MARTIN MACK'S
 OBJECTION AND PROPOSED
 MODIFICATION OF THE PROPOSED
 DISCLOSURE STATEMENT FOR
 DEBTOR'S CHAPTER 11 PLAN

Date: August 26, 2006
 Time: 1:30 p.m.
 Department: Bankruptcy Courtroom
 Address: 100 E. Capitol St.
 Jackson, Mississippi
 Room: 106
 Judge: Edward Ellington

To the UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN
 DISTRICT OF MISSISSIPPI, DEBTOR WAREHOUSE86, LLC AND THEIR
 ATTORNEY OF RECORD:

Now here comes Creditor Keith Martin Mack in the above named Case set
 for the above Time and Place, presenting his OBJECTIONS AND PROPOSED
 MODIFICATION of the PROPOSED DISCLOSURE STATEMENT FOR DEBTOR'S
 CHAPTER 11 PLAN.

Creditor requests Debtor's proposed discharge of Creditor be denied based

1 on Chapter 11 U.S.C. §727, and HEREBY REQUEST THE COURT ORDER TRUSTEE
 2 TO AFFIRM CREDITOR'S CLAIM OF \$103,729.00, OR DETERMINE GROUNDS FOR
 3 DENIAL OF THE REQUESTED DISCHARGE, specifically Keith Martin Mack, and
 4 Creditor PROPOSES MODIFICATION of Debtors PROPOSED DISCLOSURE
 5 STATEMENT.

6 Creditor's request is based on the attached Memorandum of Points and
 7 Authorities, the record and files of this case, and testimony and further proof, as
 8 may be requested of the Parties, wherein, as follows:

9 INTRODUCTION

10 The matter before the Court is the consideration of a proposed Disclosure
 11 Statement filed by the Debtor-in-Possession on June 30, 2009.

12 On January 1, 2009, Creditor Keith Martin Mack, herein and further referred
 13 to as "Creditor", filed a Proof Of Claim in the amount of \$638,219.93 with the
 14 Bankruptcy Court in response to Bargainland LLC's filing of Chapter 11, herein and
 15 further referred to as "Debtor".

16 The amount of the Creditor's claim results from items purchased in 2006
 17 from Debtor that were never received by Creditor, or not properly described by
 18 Debtor's sale through Ebay.com.

19 Creditor filed a lawsuit for Breach of Contract(s), Fraud(s), and Punitive
 20 Damages in the SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE
 21 COUNTY OF MARICOPA on March 18, 2008, CASE NUMBER: CV2008-070196,
 22 against Debtor for Actual Damages amounting to \$103,729.00, and Interest and
 23 Punitive Damages amounting to \$534,490.93, plus costs. ATTACHMENT #A. (Total
 24 amount of Creditor's claim is \$638,219.93, plus costs and ongoing interest).

25 POINTS AND AUTHORITIES

26 Debtors' filing of aforementioned Federal Chapter 11 Bankruptcy stayed
 27 Creditor's Lawsuit in Arizona.

28 Creditor believes that Debtor was in possession of \$103,729.00 of Creditors

1 property/goods at the time Debtor filed for Chapter 11 Bankruptcy, and that Debtor
 2 sold Creditor's property to a "Buyer" or other Person or entity, or is still in
 3 possession so said property. Debtor is now attempting to discharge Creditors debt
 4 through acts of fraud as a result of the sale, or fraudulent representation of
 5 whereabouts of Creditors property, and the filing of Bankruptcy.

6 Pursuant to TITLE 11 BANKRUPTCY, CHAPTER 7 LIQUIDATION,
 7 SUBCHAPTER II-COLLECTION, LIQUIDATION AND DISTRIBUTION OF THE ESTATE,
 8 U.S.C. §727(a)(2-5)(7), Debtors request to discharge Creditor's Claims should be
 9 denied if any of the following are true:

10 "(2) the debtor, with intent to hinder, delay, or defraud a
 11 creditor or an officer of the estate charged with custody of
 12 property under this title, has transferred, removed, destroyed,
 13 mutilated, or concealed, or has permitted to be transferred,
 14 removed, destroyed, mutilated, or concealed -

15 (A) property of the debtor, within one year before the date
 16 of the filing of the petition; or

17 (B) property of the estate, after the date of the filing of the
 18 petition;

19 (3) the debtor has concealed, destroyed, mutilated, falsified, or
 20 failed to keep or preserve any recorded information, including
 21 books, documents, records, and papers, from which the debtor's
 22 financial condition or business transactions might be
 23 ascertained, unless such act or failure to act was justified under
 24 all of the circumstances of the case;

25 (4) the debtor knowingly and fraudulently, in or in connection
 26 with the case -

27 (A) made a false oath or account;

28 (B) presented or used a false claim;

(C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or

(D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs;

(5) the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities;"

Further, this Creditor believes that Debtor is in violation of Chapter 11 U.S.C. §727, regarding SCHEDULE E AND SCHEDULE F of CREDITORS HOLDING CLAIMS, which indicate disbursement amounts and intention to compensate or dismiss debtors, including but not limited to the following:

1. SCHEDULE E (Sheet 1 of 1)
 - a. All requests on this Sheet \$39,500.00
2. SCHEDULE F
 - a. (Sheet 2 of 16) American Express Corp.: \$267,680.60
 - b. (Sheet 2 of 16) Boyer BDO, L.C.: \$168,390.25
 - c. (Sheet 3 of 16) Cambridge Inter. Serv. \$13,260.00
 - d. (Sheet 5 of 16) Earnest K. Strahan \$63,938.01
 - e. (Sheet 9 of 16) Keith Martin Mack \$000.00
 - f. (Sheet 11 of 16) Paul and Joy St. James \$518,799.53
 - g. (Sheet 12 of 16) Soefker Services, Inc. \$4,724.34
 - h. (Sheet 13 of 16) Thomas Sales&Serv Inc. \$20,853.70
 - i. (Sheet 14 of 16) TWG Inov. Solutions \$125,469.00

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PROPOSED MODIFICATIONS

Creditor Keith Martin Mack, with cause, proposes a Modification of Debtors
PROPOSED DISCLOSURE STATEMENT as follows:

1. SCHEDULE E (sheet 1 of 1) All listings

\$39,500.00 To be discharged

-appears to be payment to the Debtor/Owners

2. SCHEDULE F

a. (Sheet 2 of 16) American Express Corp.:

\$267,680.60 Proof of business Debt.

-Creditor requests proof of this being totally a business liability

b. (Sheet 2 of 16) Boyer BDO, L.C.:

\$168,390.25 To be discharged

-appears to be payment to the Debtor/Owner

c. (Sheet 3 of 16) Cambridge Inter. Serv.:

\$13,260.00 Proof of business Debt.

-Creditor requests proof of this being totally a business liability

d. (Sheet 5 of 16) Earnest K. Strahan:

\$63,938.01 To be discharged

-appears to be payment to the Debtor/Owner

e. (Sheet 9 of 16) Keith Martin Mack:

\$103,729.00 To be affirmed

-needs to be reimbursed for his actual damages plus interest

f. (Sheet 11 of 16) Paul and Joy St. James:

\$518,799.53 To be discharged

-appears to be payment to the Debtor/Owner

g. (Sheet 12 of 16) Soefker Services, Inc.:

\$4,724.34 Proof of business Debt.

-Creditor requests proof of this being totally a business liability

1 h. (Sheet 13 of 16) Thomas Sales&Serv Inc.:

2 \$20,853.70

Proof of business Debt.

3 -Creditor requests proof of this being totally a business liability

4 i. (Sheet 14 of 16) TWG Inov. Solutions :

5 \$125,469.00

Proof of business Debt.

6 -Creditor requests proof of this being totally a business liability

7 Finally, any additional Debtor assets be designated to be held in escrow for
8 the purposes of making it available should Creditor prevail in punitive lawsuit
9 against Debtor.

10 **CONCLUSION**

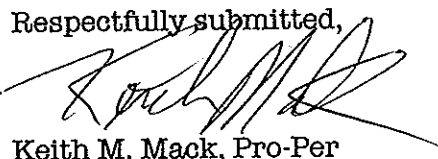
11 Creditor Keith Martin Mack, being a party of interest, request his Creditor's
12 claim in the amount of \$103,729.00 be accepted, or that an Order from the trustee
13 be made to examine the acts and conduct of the debtor to determine whether a
14 ground for denial of Creditor Keith Martin Mack discharge exists.

15 //

16 //

17 Dated: August 17, 2009

18 Respectfully submitted,

19 

20 Keith M. Mack, Pro-Per

ATTACHMENT #A

Creditor's lawsuit in the SUPERIOR COURT OF THE STATE OF ARIZONA IN
AND FOR THE COUNTY OF MARICOPA on March 18, 2008,
CASE NUMBER: CV2008-070196

ATTACHMENT #A

In The Superior Court of the State Of Arizona
In and For the County Of Maricopa

CIVIL COVER SHEET

MAR 18 2008

Plaintiff's Name (List additional Plaintiffs on page 2) KEITH MARTIN MACK, Pro-Per	Plaintiff's Attorney (Name and Bar Number)
Plaintiff's Address 2949 LOS ROBLES RD. THOUSAND OAKS, CA 91362-3320	
CV2008-070196	
Defendant's Name (List additional Defendant's on page 2) WAREHOUSE 86, LLC; dba BARGANLAND; dba BAR-GAINLAND LIQUIDATION DEPOT-Ebay; & DOES 1-25	

EMERGENCY ORDER SOUGHT: ☐ TRO ☐ Provisional Remedy ☐ OSC ☐ Other (Specify) _____

REASON FEES NOT PAID: ☐ Government Charge ☐ Deferred

DIRECTIONS: You must complete both Section I and Section II below. Section II continues on the 2nd page.

SECTION I. COMPLEXITY

Place an "X" in the box of no less than one of the following:

This case:

- ☐ Involves Antitrust/Trade Regulation
- ☐ Involves Construction Defect w/many parties or structures
- ☐ Involves Mass Tort
- ☐ Involves Securities Litigation w/many parties
- ☐ Involves Environmental/Toxic Tort w/many parties
- ☐ Involves Class Action Claim(s)
- ☐ Involves Insurance Coverage Claims arising from the above-listed case types
- ☐ Is a Complex Civil Case as defined by Rule 8(i), ARCP
- ☒ Does not involve any of the above

SECTION II. NATURE OF ACTION

Place an "X" in the box next to the number that describes the nature of the case. Please check ONE nature of action ONLY.

100 TORT MOTOR VEHICLE

- ☐ 101 Non Death Injury
- ☐ 102 Property Damage
- ☐ 103 Death

110 TORT NON-MOTOR VEHICLE

- ☐ 111 Negligence
- ☐ 112 Products Liability
- ☐ 113 Intentional
- ☐ 114 Property Damage
- ☐ 115 Legal
- ☐ 116 Other (Specify) _____

120 MEDICAL MALPRACTICE

- ☐ 121 Physician - M.D.
- ☐ 122 Physician - D.O.
- ☐ 123 Hospital
- ☐ 124 Other (Specify) _____

130 CONTRACTS

- ☐ 131 Account (Open or Stated)
- ☐ 132 Promissory Note
- ☐ 133 Foreclosure
- ☒ 134 Other (Specify) Breach
- ☐ 135 Real Property Excess Proceeds

136-137 Construction Defects (Residential/Commercial) (select one)

- ☐ 136 One to Nineteen Structures
- ☐ 137 Twenty or More Structures

Handwritten signature: H. T. A.